



DTOS Rec'd T/PTO 29 AUG 2002

09/980,636 #4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

**BRIEL et al.**

Atty. Ref.: 36-1642

Serial No.: 09/980,636

Group Art Unit: Unassigned

Filed: December 5, 2001

Examiner: Unassigned

For: DATA MANAGEMENT SYSTEM

August 29, 2002

**RESPONSE TO DECISION ON PETITION**

**ATTN: PCT LEGAL OFFICE  
BOX PCT**  
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

A "Petition Under Rule 47(A)" was filed by Applicant on December 5, 2001. In that petition, it was respectfully requested that available joint inventors John Vander Briel, Stephen Ian Daleman, John Daniel Gabbe, Kenneth Andrew Lang, John Andrew Wojciechowksi, Paul Muschamp, Lindsay Alison Campbell, David Richard Griffiths, Brian Richard Henderson, Michael Hodgson, Jonathan Legh-Smith, Vineet Mittal be permitted to make application of United States Letters Patent on behalf of themselves and inventor William R. Brook (who up until that time had refused to join with this application).

In the March 29, 2002 Decision on Petition, the petition was dismissed without prejudice because "the evidence now of record is insufficient to

establish that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort."

In light of the dismissal of the petition, Applicant made a fresh attempt to obtain the missing inventor's (William R. Brook's) execution of the application. As a result of Applicant's fresh attempts, co-inventor William R. Brook has now executed this application. Co-inventor William R. Brook therefore no longer refuses to join with this application. A copy of the declaration under 37 CFR 1.63 executed by William R. Brook is attached hereto.

Applicant therefore respectfully submits that the Petition Under Rule 47(A) is moot. Rule 47(A) states, inter alia, "The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63." Applicant submits that the submission of the declaration under 37 CFR 1.63 executed by William R. Brook (along with the declarations previously executed by all other co-inventors) completes the filing of the subject patent application. Applicant respectfully requests that the Patent Office issue a written confirmation that the filing of the present application is complete, proper and acceptable under all U.S. laws and rules.

Applicant respectfully requests that the present application be forwarded to the Examiner for examination on the merits thereof.

Also enclosed is a Replacement Recordation Cover Sheet along with copies of assignments executed by all of the co-inventors including William R. Brook.

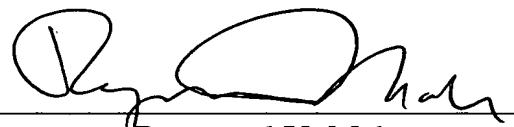
Petition is hereby made to extend the current due date of May 29, 2002 so as to cover the filing date of this paper and attachments for three months (\$920). The commissioner is hereby authorized to charge any deficiency or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith to our Account No. 14-1140 with reference to Order No. 36-1642.

Should the PCT Legal Office have any questions or concerns, the PCT Legal Office is invited to telephone the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:

  
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